

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

OCT 28 2016

United States of America
v.
Eli Manuel Espinoza, YOB: 1996, USC

Case No.

Clerk of Court
M-16-1999-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 26, 2016 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 United States Code § 554

Did knowingly and unlawfully export or attempt to export from the United States, any merchandise, article, or object, to wit: 400 rounds of .22 caliber ammunition, contrary to any law or regulation of the United States, in that the defendant had not obtained a license or written authorization for such export, in violation of Title 22, United States Code, Sections 2778(b)(2), and Title 22, Code of Federal Regulations, Sections 121, 123, 127.
All in violation of Title 18, United States Code, Section 554.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.



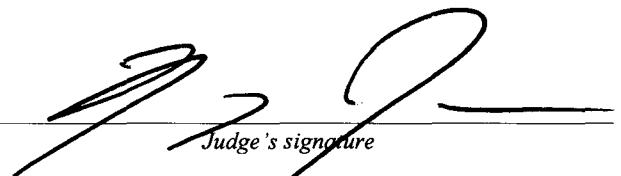
Complainant's signature

Andrew J. Sneden, HSI Special Agent

Printed name and title

approved by
10/28/16 [Signature]

Sworn to before me and signed in my presence.

Date: 10/28/2016

Judge's signature

City and state: McAllen, Texas

Nancy Johnson, U.S. Magistrate Judge

Printed name and title

ATTACHMENT A

On October 26, 2016, Homeland Security Investigations, McAllen, Texas (HSI McAllen) received a request for investigative assistance from the U.S. Customs and Border Protection/Office of Field Operations Officers (CBPOs) at the Hidalgo, Texas Port of Entry (POE) regarding the attempted export of defense articles.

CBPOs detained Eli Manuel ESPINOZA, an U.S. Citizen residing in Mexico, after they discovered 400 rounds of .22 caliber ammunition and approximately \$9,995.00 in U.S. Currency concealed within his vehicle. CBPOs were conducting outbound inspections and made contact with ESPINOZA who initially provided the CBPOs with a negative declaration for currency, weapons and ammunition. CBPOs conducted an inspection of the vehicle and discovered two 50 count boxes of .22 caliber Winchester Magnum Rimfire (WMR) ammunition located in the center console. CBPOs conducted a more thorough inspection of the vehicle and discovered a 300 count box of .22 caliber ammunition concealed in the engine compartment. CBPOs also discovered a bundle of U.S. currency totaling approximately \$6,620.00 concealed underneath the battery cover inside the engine compartment. CBPOs also discovered \$3,375 in U.S. currency in an envelope in his pocket. The total amount of the U.S. currency discovered was \$9,995.00.

HSI McAllen responded to the Port of Entry and interviewed ESPINOZA who admitted to knowledge of the ammunition and currency concealed within the vehicle. Espinoza stated he believed it was legal to take the two small 50 count boxes of ammunition into Mexico, because the people at Walmart, where he purchased it on October 25, 2016, told him it was legal. He stated that prior to the attempted export, he concealed the remaining ammunition in the engine compartment to conceal it from CBPOs as he traveled into Mexico through the Port of Entry.

ESPINOZA claimed the U.S. currency was meant to purchase vehicles from a local auto auction company in the McAllen, Texas area, but he did not purchase the vehicles. He stated that he hid the U.S. currency in the engine compartment to conceal it from Mexican Customs officials and the cartel because they would take it from him if they knew he had it.

The 400 rounds of .22 caliber ammunition, have been designated in Title 22 Code of Federal Regulations (CFR) Part 121 as defense articles on the United States Munitions List, and as such a license is required for their export out of the United States of America as stated in Title 22 CFR Part 123.

HSI McAllen contacted the U.S. Department of State, Exodus Command Center and verified that ESPINOZA is not currently or previously licensed to export ammunition from the U.S. The attempted exportation of the defense article, namely, 400 rounds of .22 caliber ammunition by ESPINOZA who did not have license for such export, constituted a violation of Title 22, U.S. Code, Section 2778 (b)(2).